

**Senate Bill No. 387**

**CHAPTER 112**

An act to add Section 7043.5 to the Water Code, relating to water.

[Approved by Governor July 25, 2005. Filed with  
Secretary of State July 25, 2005.]

**LEGISLATIVE COUNSEL'S DIGEST**

**SB 387, Ducheny. New River.**

Existing law provides that specified law relating to the maintenance of flow in streams shall not prevent the use or enlargement of any natural channel for municipal purposes or for use in connection with any artificial system of drainage, irrigation, or flood control that does not cause the flow of water in the channel at the intake of the canal to be less than the quantity of water the owners and appropriators have the right to divert into the intake.

This bill, only as applied to the New River in Imperial County, would define the phrase "use or enlargement of any natural channel for municipal purposes" to include sewage treatment and pollution prevention and the encasing and piping of the New River to protect human health and the natural environment.

The bill would make a finding and declaration of the Legislature regarding the inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution.

*The people of the State of California do enact as follows:*

**SECTION 1.** Section 7043.5 is added to the Water Code, to read:

**7043.5.** Only as applied to the New River in Imperial County, as used in this chapter, "use or enlargement of any natural channel for municipal purposes" includes, but is not limited to, sewage treatment and pollution prevention and the encasing and piping of the New River to protect human health and the natural environment.

**SEC. 2.** The Legislature finds and declares that, because of the unique circumstances applicable only to the New River in Imperial County, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Therefore, this special statute is necessary.